

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 99-0435P

Adjusted Gross Income Tax
For Calendar Year 1997

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ISSUE(S)

I. **Tax Administration** – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

II. **Tax Administration** – Interest

Authority: IC 6-8.1-10-1(e); 45 IAC 15-11-1

Taxpayer protests the interest assessed.

STATEMENT OF FACTS

Taxpayer filed its IT-20 on October 15, 1998 with a zero balance due. The department issued its Notice of Proposed Assessment for the balance due on July 8, 1999. The department assessed a ten percent (10%) penalty for the late payment.

Taxpayer, in a letter dated August 2, 1999 protested the penalty and interest assessed because it had gone through significant changes during the past two years and did not have the available resources to meet some of its filing deadlines.

I. **Tax Administration** –Penalty

DISCUSSION

Taxpayer states it did not have available resources to meet some of its filing deadlines and has listed several reasons in its letter dated August 2, 1999.

Taxpayer's filing history, however, indicates it has several late filings and late payments on record beginning with the 1989 income taxes. Taxpayer also has late filing and payment for the withholding and sales taxes.

The department finds that a negligence penalty is proper.

FINDING

Taxpayer's protest is denied.